

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CLIVENS CELESTIN,

Plaintiff,

-v-

9:15-CV-0541  
(DNH/ATB)

DAVID ROCK, Superintendent, Upstate  
Correctional Facility; PATERSON, Correction Officer,  
Upstate Correctional Facility; A. FORBES,  
Correction Officer, Upstate Correctional Facility;  
KROEGER, Correction Officer; Upstate Correctional  
Facility; DEMERS, Correction Officer; Upstate Correctional  
Facility; D. HAUG, Food Service Administrator; Upstate  
Correctional Facility; SGT. DEBYA, Upstate Correctional  
Facility;

Defendants.

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APPEARANCES:

OF COUNSEL:

CLIVENS CELESTIN  
Plaintiff, *Pro Se*  
94-A-5376  
Shawangunk Correctional Facility  
P.O. Box 700  
Wallkill, New York 12589

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The Capitol  
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TIMOTHY P. MULVEY, ESQ.  
Ass't Attorney General

DAVID N. HURD  
United States District Judge

## **DECISION and ORDER**

*Pro se* plaintiff Clivens Celestin brought this civil rights action pursuant to 42 U.S.C. § 1983. See Complaint, ECF No. 1. On July 20, 2016, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that the defendants' motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 (ECF No. 35) be granted. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is ORDERED that:

- (1) Defendants' motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 (ECF No. 35) is **GRANTED**;
- (2) The Complaint is **DISMISSED IN ITS ENTIRETY**;
- (3) The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

The Clerk of the Court shall enter judgment and close the case

IT IS SO ORDERED.

Dated: March 22, 2017  
Utica, New York

  
United States District Judge